

## **Remark**

The Applicant respectfully requests reconsideration of this application.

## **Objections**

**Office Action, Paragraph 1.** The Examiner had objected to the application under 37 CFR 1.172(a) for failing to establish an ownership interest in the patent for which reissue is being requested. Specifically, the "Statement Under 37 CFR 3.73(b)" submitted by the Applicant was not received by the Examiner as of the date the Office Action was mailed. Since that time, as stated in the Interview Summary dated June 21, 2000, the certification has resurfaced. As the Examiner is now in possession of the certification, the Applicant respectfully requests that this objection be withdrawn.

## **35 U.S.C. §251 Rejections**

**Office Action, Paragraphs 2.** The Examiner has objected to the application under 35 U.S.C. §251 as being based upon a defective reissue declaration under 35 U.S.C. §251. In particular, the Examiner states that if the reissue declaration is defective because it fails to: 1) contain the statement required under 37 CFR 1.175(a)(1) as to applicant's belief that the original patent is wholly or partly inoperative or invalid (Office Action, paragraph 7); 2) identify at least one error which is relied upon to support the reissue application (Office Action, paragraph 8); 3) contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration

arose without any deceptive intention on the part of the applicant (Office Action, paragraph 9).

Submitted herewith is a declaration executed in accordance with 37 CFR 1.175, and which the Examiner has stated will comply with the 37 CFR 1.175. As such, the Applicant respectfully requests that the Examiner withdraw his objection to claims 1-13 and 15-20 as being based upon a defective reissue declaration under 35 U.S.C. §251.

The applicant is also surrendering the original Patent, which is submitted herewith.

### **Conclusion**

The Applicant respectfully submits that the rejection and objection have been overcome by the newly executed declaration, and that the claims 1-13, and 15-20 are now in condition for allowance. Accordingly, Applicant respectfully requests the rejection and objection be withdrawn and the claims be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/8/00



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Libby N. He  
Reg. No. P-46, 774

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(303) 740-1980